

IN THE CIRCUIT COURT OF PIKE COUNTY, MISSISSIPPI

SHIRLEY ANN EVANS

PLAINTIFF

VS.

CIVIL ACTION NO. 15-048-PCT

SUPERMARKET OPERATIONS, INC.
d/b/a McCOMB MARKET; COMMERCIAL
PROPERTY 1, LLC; CPM ASSOCIATES, L.P.;
AND, JOHN DOES 1-10

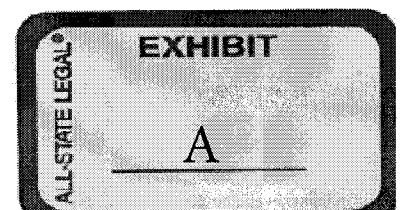
DEFENDANTS

COMPLAINT
(JURY TRIAL REQUESTED)

COMES NOW the Plaintiff, Shirley Ann Evans (hereafter the "Plaintiff"), by and through her counsel of record and files this Complaint against the Defendants, Supermarket Operations, Inc. d/b/a McComb Market; Commercial Property 1, LLC; CPM Associates, L.P.; and, John Does 1-10 (hereafter the "Defendants") for cause would show unto this Honorable Court the following, to wit:

PARTIES

1. The Plaintiff, Shirley Ann Evans, is an adult resident citizen of Lincoln County, Mississippi and currently resides at 3066 Summit Drive SW, Bogue Chitto, Mississippi 39629.
2. The Defendant, Supermarket Operations, Inc. d/b/a McComb Market, is a foreign corporation organized under the laws of the State of Louisiana, with its principal office address of Post Office Box 18220, Natchez, Mississippi 39122-8200. Supermarket Operations, Inc. is doing business in Pike County Mississippi as the McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648. Supermarket Operations, Inc. may be served with process of this Court through its registered agent of process Harley D. Loy, who can be located at 116 Lower Woodville Road, Post Office Box 8220, Natchez, Mississippi 39120.
3. The Defendant, Commercial Property 1, LLC, is a Limited Liability Company organized under the laws of the State of Mississippi and with its principal place of business located at



613 Crescent Circle, Suite 200, Ridgeland, Mississippi 39157. Commercial Property 1, LLC may be served with process of this Court through its registered agent of process Gary B. Cress, who can be located at 772 Lake Harbour Drive, Ridgeland, Mississippi 39157 or Post Office Box 1260, Ridgeland, Mississippi 39158.

4. The Defendant, CPM Associates, L.P., is a Limited Partnership organized under the laws of the State of Tennessee and with its principal place of business located at 1300 First Tennessee Building, Chattanooga, Tennessee 37402. CPM Associates, L.P. may be served with process of this Court through its registered agent of process Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

5. Defendants, John Does 1 – 10, are the owners, operators, managers, and all other entities, corporate and/or individuals, of the following:

- a) McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648;
- b) Supermarket Operations, Inc. located at 116 Lower Woodville Road, Post Office Box 8220, Natchez, Mississippi 39120;
- c) Commercial Property 1, LLC located at 613 Crescent Circle, Suite 200, Ridgeland, Mississippi 39157;
- d) CPM Associates, L.P., located at 1300 First Tennessee Building, Chattanooga, Tennessee 37402.

These individuals were in some manner negligently and proximately responsible for the events and happenings alleged in this Complaint and for the Plaintiff's injuries and damages.

JURISDICTION AND VENUE

6. The Circuit Court of Pike County, Mississippi, has jurisdiction of the parties and the subject matter of this action.

7. Venue is proper as this civil action arises out of negligent acts and omissions committed in Pike County, Mississippi, and the cause of action occurred and accrued in Pike County, Mississippi.

FACTS

8. The Plaintiff adopts and alleges the allegations contained in paragraphs 1 through 8 of this Complaint as if fully set out herein.

9. At all times mentioned in this Complaint, the Defendant, Supermarket Operations, Inc. d/b/a McComb Market owned and operated a grocery/retail store known as McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648.

10. At all times mentioned in this Complaint, the Defendant, Commercial Property 1, LLC, owned the property on which the Defendant, Supermarket Operations, Inc. d/b/a McComb Market, is located at 1209 Delaware Avenue, McComb, Mississippi 39648.

11. At all times mentioned in this Complaint, the Defendant, CPM Associates, L.P., owned the property on which the Defendant, Supermarket Operations, Inc. d/b/a McComb Market, is located at 1209 Delaware Avenue, McComb, Mississippi 39648.

12. At all times mentioned in this Complaint, the Defendant, Supermarket Operations, Inc. d/b/a McComb Market, invited the general public, including the Plaintiff, to enter the premises of the McComb Market, located at 1209 Delaware Avenue, McComb, Mississippi 39648, for reasons mutually advantageous to both the Defendant and the Plaintiff.

13. On or about January 1, 2014, the Plaintiff was an invitee on the premises of the McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648.

14. At the above-mentioned time and place, the Plaintiff was walking in the parking lot toward the entrance of the subject premises of the McComb Market, when suddenly and without warning, she tripped on a crack between the concrete slabs which caused a dangerous elevation. This caused the Plaintiff to fall violently to the ground causing her to sustain injuries and damages.

15. The Defendant, Supermarket Operations, Inc., as owners and operators of both the McComb Market, as well as, owners and operators of the premises on which it is located, where the Plaintiff was seriously injured, owed a duty to the Plaintiff to keep the premises of McComb Market in a reasonably safe condition, to warn the Plaintiff of any dangerous conditions not readily apparent of which it knew or should have known in the exercise of reasonable care, and to conduct reasonable inspections to discover dangerous conditions existing on the premises of the McComb Market.

16. The Defendant, Supermarket Operations, Inc., as owners and operators of both the McComb Market, as well as, the Defendants, Commercial Property 1, LLC, and CPM Associates, L.P., as owners and operators of the premises on which it is located, where the Plaintiff was seriously injured, breached the duties owed to the Plaintiff by:

- a) Failing to maintain the premises of the McComb Market in a reasonably safe condition;
- b) Failing to make reasonable inspections to discovery dangerous conditions existing on the premises of the McComb Market;
- c) Failing to warn the Plaintiff of the danger presented by the presence of several mats on the premises of the McComb Market; and,
- d) Failing to otherwise exercise due care with respect to the matters alleged in this Complaint.

17. As a direct and proximate result of the negligence of the Defendants, as set forth above, the Plaintiff slipped and fell while entering and on the premises of the McComb Market.

18. As a further direct and proximate result of the negligence of the Defendants, as set forth above, the Plaintiff sustained serious injuries and damages including but not limited to physical injuries; past, present, and future pain and suffering; past, present and future medical expenses; lost wages and other damages that will be proved at the trial of this matter.

PRAYER FOR RELIEF

WHEREFORE PREMISES CONSIDERED, the Plaintiff requests a trial by jury and demands damages including actual, compensatory, consequential, and incidental damages, for physical injuries; past, present and future physical and emotional pain and suffering, past, present and future medical expenses; lost wages and any other special damages that may be incurred by the Plaintiff, together with attorney's fees, costs of suit and any further relief as the Court may deem proper.

THIS, the 26th day of February, 2015.

Respectfully submitted,

SHIRLEY ANN EVANS, PLAINTIFF

By: 

JOHN C. HALL, II
Attorney for Plaintiff

Of Counsel:

John C. Hall, II, MSB No. 99384
MORGAN & MORGAN, P.A.
One Jackson Place, Suite 777
188 East Capitol Street
Jackson, Mississippi 39201
Telephone: (601) 949-3388
Facsimile: (601) 718-2094
Email: jhall@forthepeople.com



DELBERT HOSEMAN
Secretary of State

This is not an official certificate of good standing.

Name History

Name	Name Type
CPM ASSOCIATES, L.P.	Legal

Business Information

Business Type:	Limited Partnership
Business ID:	616025
Status:	Good Standing
Effective Date:	03/13/1995
State of Incorporation:	TN
Principal Office Address:	1300 FIRST TENNESSEE BLDG CHATTANOOGA, TN 37402

Registered Agent

Name
CORPORATION SERVICE COMPANY
506 S PRESIDENT ST
JACKSON, MS 39201

Officers & Directors

Name	Title
BRIGHT INTERESTS, L.P. 1300 FIRST TENNESSEE BLDG CHATTANOOGA, TN 37402	General Partner



AFFIDAVIT OF JULIA HENDERSON

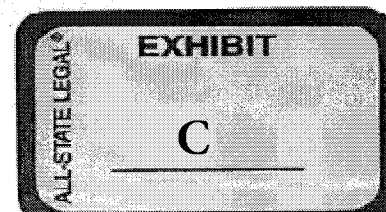
STATE OF TENNESSEE

COUNTY OF Hamilton

PERSONALLY APPEARED before me, the undersigned authority in and for the aforesaid jurisdiction, JULIA HENDERSON, who, after being duly sworn, did depose and say:

1. My name is Julia Henderson and I am the Director of Risk Management for Fletcher Bright Company.
2. I have personal knowledge of the matters set forth in this Affidavit and I am competent to testify as to these matters.
3. The member partners of CPM Associates, LP include the following:

Audeline Phillips	2412 Hamill Rd. Hixson, TN 37343
Bright Interests, LP	537 Market Street, Suite 400 Chattanooga, TN 37402
Diane Doll	880 NE 69th Street, Unit 6K Miami, FL 33138
Donald Barkley	2880 Bakers Farm Road SE Atlanta, Ga 30329
Fletcher Bright Company, Inc.	537 Market Street, Suite 400 Chattanooga, TN 37402
Fletcher Bright Partnership, No. 2	537 Market Street, Suite 400 Chattanooga, TN 37402
Friday's Plaza Associates LTD	537 Market Street, Suite 400 Chattanooga, TN 37402
George Bright	1511 Chickamauga Trail Lookout Mtn, Ga 30750



George N Dickinson III Credit Shelter c/o Sanford B Dickinson, Executor	1535 Stonegate Way Atlanta, Ga 37327
Irrevocable Trust of R Park Ellis	2956 Paces Lake Drive Building 13 Atlanta, Ga 30339
Marital Trust U/A John M Martin c/o SE Martin & CG Martin Co- Trustee	900 Cumberland Road Chattanooga, TN 37409
Mertland Hedges	P O Box 5757 Chattanooga, TN 37405
Michelle Smith	521 Cedar Glen Circle East Ridge, TN 37412
Neil Meyers	5881 Glenridge Drive Suite 220 Atlanta, GA 30328
Patrice Davis	917 Arden Way Signal Mtn, TN 37377
Robert Keiter	1827 Powers Ferry Rd Building 13 Atlanta, GA 30339
William O Meyers Family Trust c/o Stephen M Johnson PC	90 Glen Oaks Drive Atlanta, GA 30327

4. The member partners of Bright Interests, LP include Bright Interests, Inc. and Fletcher Bright, who is a citizen of Tennessee.

5. None of the members of Fletcher Bright Partnership, LP No. 2 are citizens of Mississippi. The specific members of Fletcher Bright Partnership, LP No. 2 include:

Fletcher W. Bright	537 Market Street, Suite 400 Chattanooga, TN 37402
George T. Bright	537 Market Street, Suite 400 Chattanooga, TN 37402
Anne V. Bright	537 Market Street, Suite 400 Chattanooga, TN 37402
Elizabeth Bright Graham	537 Market Street, Suite 400 Chattanooga, TN 37402

Frank S. Bright	537 Market Street, Suite 400 Chattanooga, TN 37402
Ann Bright Monk	537 Market Street, Suite 400 Chattanooga, TN 37402
Lucy Bright Griffin	537 Market Street, Suite 400 Chattanooga, TN 37402

5. None of the members of Friday Plaza Associates, LTD are citizens of Mississippi. The members of Friday Plaza Associates, LTD include the following:

Bright Interests, Inc.	537 Market Street, Suite 400 Chattanooga, TN 37402
Fletcher Bright Company, Inc.	537 Market Street, Suite 400 Chattanooga, TN 37402
Fletcher Bright Partnership No. 2	537 Market Street, Suite 400 Chattanooga, TN 37402
George N Dickinson III Credit Shelter c/o Sanford B Dickinson, Executor	1535 Stonegate Way Atlanta, Ga 37327
George R. Fontaine Trust c/o ELD Associates ¹	832 Georgia Avenue, Suite 400 Chattanooga, TN 37402
Irrevocable Trust of R Park Ellis	2956 Paces Lake Drive Building 13 Atlanta, Ga 30339
James Brown	537 Market Street, Suite 400 Chattanooga, TN 37402
John T. Fontaine Trust c/o ELD Associates	832 Georgia Avenue, Suite 400 Chattanooga, TN 37402
Robert Keiter	1827 Powers Ferry Rd Building 13

¹ The trustee of the George R. Fountain Trust, the John T. Fountain Trust, and the William L. Davenport Trust is Thomas Carter Lupton. Neither the trustee nor any of the beneficiaries of these three trusts are citizens of Mississippi.

	Atlanta, GA 30339
William L. Davenport Trust c/o ELD Associates	832 Georgia Avenue, Suite 400 Chattanooga, TN 37402


6. The George N Dickinson III Credit Shelter is a trust. The trustee is his spouse, Sanford Dickinson, who is a citizen of Atlanta, GA. None of the beneficiaries of this trust are citizens of Mississippi.

7. Merrill Ellis is the trustee of the Irrevocable Trust of R Park Ellis. She is a citizen of Atlanta, GA. None of the beneficiaries of this trust are citizens of Mississippi.

8. CG Martin and S.E. Martin are co-trustees of the Marital Trust U/A John M Martin. The trustees are a citizens of Tennessee. None of the beneficiaries of this trust are citizens of Mississippi.

9. Stephen M Johnson is the trustee of the William O Meyers Family Trust. The trustee is a citizen of Atlanta, Ga. None of the beneficiaries of this trust are citizens of Mississippi.

FURTHER AFFIANT SAYETH NOT.

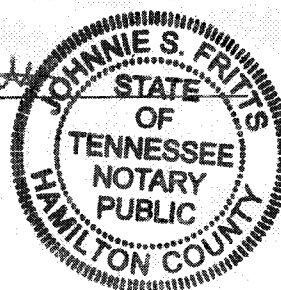

JULIA HENDERSON

SWORN TO AND SUBSCRIBED before me, this the 1st day of July, 2015.


Notary Public

My commission expires:

February 10, 2018





DELBERT HOSEMAN
Secretary of State

This is not an official certificate of good standing.

Name History

Name	Name Type
FLETCHER BRIGHT COMPANY	Legal

Business Information

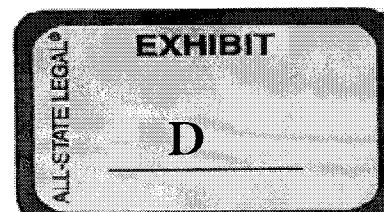
Business Type:	Profit Corporation
Business ID:	311478
Status:	Good Standing
Effective Date:	11/20/1980
State of Incorporation:	TN
Principal Office Address:	537 Market Street Suite 400 Chattanooga, TN 37402

Registered Agent

Name
CORPORATION SERVICE COMPANY
506 S PRESIDENT ST
JACKSON, MS 39201

Officers & Directors

Name	Title
George Bright	Director, President
Clifford G. Martin 537 Market Street Suite 400 Chattanooga, TN 37402	Director, Vice President
Fletcher W Bright	Director, Treasurer





DELBERT HOSEMAN
Secretary of State

This is not an official certificate of good standing.

Name History

Name	Name Type
BRIGHT INTERESTS, L.P.	Legal

Business Information

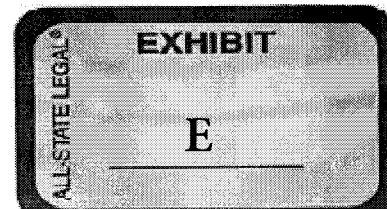
Business Type:	Limited Partnership
Business ID:	614419
Status:	Good Standing
Effective Date:	01/23/1995
State of Incorporation:	TN
Principal Office Address:	1300 FIRST TENNESSEE BLDG CHATTANOOGA, TN 37402

Registered Agent

Name
CORPORATION SERVICE COMPANY
506 S PRESIDENT ST
JACKSON, MS 39201

Officers & Directors

Name	Title
BRIGHT INTERESTS INC 1300 FIRST TENNESSEE BLDG CHATTANOOGA, TN 37402	General Partner





DELBERT HOSEMANN
Secretary of State

This is not an official certificate of good standing.

Name History

Name	Name Type
BRIGHT INTERESTS, INC.	Legal

Business Information

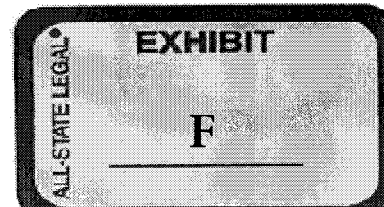
Business Type:	Profit Corporation
Business ID:	615146
Status:	Good Standing
Effective Date:	02/13/1995
State of Incorporation:	TN
Principal Office Address:	537 MARKET ST STE 400 CHATTANOOGA, TN 37402

Registered Agent

Name
CORPORATION SERVICE COMPANY
506 S PRESIDENT ST
JACKSON, MS 39201

Officers & Directors

Name	Title
Fletcher Bright 537 Market St Ste 400 Chattanooga, TN 37402	Director, President, Treasurer
George Bright 537 Market St Ste 400 Chattanooga, TN 37402	Vice President
Julia S Henderson 537 Market St Ste 400 Chattanooga, TN 37402	Secretary



Julia S. Henderson
537 Market St, Suite 400
Chattanooga, TN 37402

Secretary

James A Brown
537 Market Street, Suite 400
Chattanooga, TN 37402

Assistant Secretary



DELBERT HOSEMAN
Secretary of State

This is not an official certificate of good standing.

Name History

Name	Name Type
SUPERMARKET OPERATIONS, INC.	Legal

Business Information

Business Type:	Profit Corporation
Business ID:	300416
Status:	Good Standing
Effective Date:	12/29/1969
State of Incorporation:	LA
Principal Office Address:	116 lower woodville rd. NATCHEZ, MS 39120

Registered Agent

Name
HARLEY D LOY
116 LOWER WOODVILLE RD, PO BOX 18220
NATCHEZ, MS 39120

Officers & Directors

Name	Title
Harley Loy	
109 Woodhaven	
Natchez, MS 39120	President
Harley D Loy	
PO Box 18220	
Natchez, MS 39122-8220	Director, President



IN THE CIRCUIT COURT OF PIKE COUNTY, MISSISSIPPI

SHIRLEY ANN EVANS

PLAINTIFF

VS.

CIVIL ACTION NO. 15-048-PCT

SUPERMARKET OPERATIONS, INC.
d/b/a McCOMB MARKET; COMMERCIAL
PROPERTY 1, LLC; CPM ASSOCIATES, L.P.;
AND, JOHN DOES 1-10

DEFENDANTS

PLAINTIFF'S RESPONSES TO DEFENDANT
CPM ASSOCIATES, L.P.'S FIRST SET OF REQUESTS FOR ADMISSIONS

COMES NOW the Plaintiff, Shirley Ann Evans (hereafter the "Plaintiff"), by and through her counsel of record, pursuant to the *Mississippi Rules of Civil Procedure* and responds to Defendant, CPM Associates, L.P.'s (hereinafter "CPM") First Set of Requests for Admission, as follows, to-wit:

REQUEST NO. 1: Please admit that the plaintiff is seeking damages exceeding \$75,000, exclusive of interest and costs, in this case.

RESPONSE NO. 1: Admitted.

REQUEST NO. 2: Please admit that the Plaintiff will, after the expiration of one year from the date this action was commenced, move to amend the Complaint to seek damages in excess of \$75,000, exclusive of interest and costs.

RESPONSE NO. 2: Denied.

REQUEST NO. 3: Please admit that the plaintiff or her attorneys will ask a judge or jury for damages in excess of \$75,000, exclusive of interest and costs.

RESPONSE NO. 3: Admitted.



REQUEST NO. 4: Please admit that in the event of a verdict in excess of \$75,000, exclusive of interest and costs, the plaintiff and her attorney will not refrain from executing on any portion of the judgment that exceeds \$75,000, exclusive of interest and costs.

RESPONSE NO. 4: Admitted.

REQUEST NO. 5: Please admit that in the event of a verdict in excess of \$75,000, exclusive of interest and costs, the plaintiff and her attorneys will not agree that any such judgment will be satisfied and canceled upon payment of \$75,000.

RESPONSE NO. 5: Admitted.

THIS, the 4th day of June, 2015.

Respectfully submitted,

SHIRLEY ANN EVANS, PLAINTIFF

By: 

JOHN C. HALL, II

Attorney for Plaintiff

Of Counsel:

John C. Hall, II, MSB No. 99384
MORGAN & MORGAN, P.A.
One Jackson Place, Suite 777
188 East Capitol Street
Jackson, Mississippi 39201
Telephone: (601) 949-3388
Facsimile: (601) 718-2094
Email: jhall@forthepeople.com

CERTIFICATE OF SERVICE

I, John C. Hall, II, counsel of record for the Plaintiff, Shirley Ann Evans, do hereby certify that I have this day forwarded, via United States Mail, postage prepaid, and/or via electronic transmission, a true and correct copy of the foregoing document to the following:

H. Wesley Williams, III, Esq.
MARKOW WALKER, P.A.
Post Office Box 13669
Jackson, Mississippi 39236-3669
wwilliams@markowwalker.com

THIS, the 4th day of June, 2015.

By: 

JOHN C. HALL, II
Attorney for Plaintiff

Pike County Circuit Clerk's Office
Roger A. Graves, Circuit Clerk
P O Drawer 31
Magnolia, Mississippi 39652
Phone 601-783-2581
Fax 601-783-6322
www.co.pike.ms.us

June 18, 2015

Wes Williams
Markow Walker
P O Box 13669
Jackson, MS 39236

Re: Certified Copy of Pike County Circuit Court Civil Cause #15-048-PCT
Shirley Ann Evans vs Supermarket Operations, Inc., et al

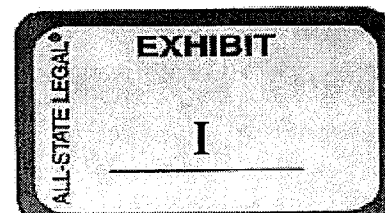
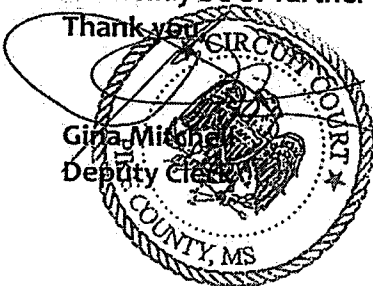
Dear Mr. Williams,

Enclosed please find a certified copy of the entire file referenced above. Please send \$37.00 (thirty-seven dollars) for copies of the documents referenced above. The cost for copies is \$1.00 (one dollar) per page and the certified fee is \$1.00 (one dollar) per case.

If we may be of further assistance to you, please feel free to contact us.

Thank you

Gina Mitchell
Deputy Clerk



**In the Circuit Court of the 14th Judicial District
Of Pike County, Mississippi**

I, Roger A. Graves, Circuit Clerk of the Circuit & County Courts of Pike County, Mississippi, hereby certify that the foregoing constitutes a true and correct copy of the entire file in Cause Number 15-048-PCT on the Circuit Court Docket of the Circuit Court of Pike County, Mississippi, in cause styled:

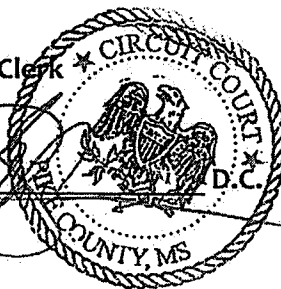
**SHIRLEY ANN EVANS
VS
SUPERMARKET OPERATIONS, INC.
DBA MCCOMB MARKET; COMMERCIAL PROPERTY 1, LLC
CPM ASSOCIATES, L.P.; AND JOHN DOES 1-10**

- 1. Complaint**
- 2. Notice of Service**
- 3. Answer and Defenses**
- 4. Notice of Service of Discovery Responses**
- 5. Summons Return – Commercial Property 1**
- 6. Summons Return – CPM Associates, L.P.**

Given under my hand and seal of office, this date, June 18, 2015.

Roger A. Graves, Circuit Clerk
Pike County, Mississippi

By: _____



1 General Docket, Civil Cases, Circuit Court, PIKE COUNTY

=====

No. 15-048-PCT

CFN 50111

EVANS, SHIRLEY ANN
VS.

Counsel for Plaintiff
John C. Hall
Counsel for Defendant

SUPERMARKET OPERATIONS, INC., DBA MCCOMB H. W. Williams, III

GENERAL NEGLIGENCE

JUDGE Michael Madison Taylor

=====

DATE

ORDERS, JUDGMENTS, ETC.

3/20/15 Complaint
3/20/15 Summons Issued To Atty
3/20/15 \$ 160.00 PAID RECEIPT #072494
5/11/15 Notice of Service
5/11/15 Answer and Defenses
6/10/15 Notice of Service of Discovery Responses
6/18/15 Summons Returned Showing Service on Commercial Property 1,
4/13/15
6/18/15 Summons Returned Showing Service on CPM Associates 4/8/15

15-048-PCT 11

COVER SHEET		Court Identification Docket #		Case Year	Docket Number
Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		<div style="border: 1px solid black; padding: 2px;">57</div> County #	<div style="border: 1px solid black; padding: 2px;">C1</div> Judicial District (CH, CL, CO)	<div style="border: 1px solid black; padding: 2px;">2015</div> Year	<div style="border: 1px solid black; padding: 2px;">00048</div> Local Docket ID
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2009)		This area to be completed by clerk	
In the <u>CIRCUIT</u>		Court of <u>PIKE</u>		County <u>—</u>	Judicial District <u>—</u>
Origin of Suit (Place an "X" in one box only)					
<input checked="" type="checkbox"/> Initial Filing <input type="checkbox"/> Reinstated <input type="checkbox"/> Foreign Judgment Enrolled <input type="checkbox"/> Transfer from Other court <input type="checkbox"/> Other <input type="checkbox"/> Remanded <input type="checkbox"/> Reopened <input type="checkbox"/> Joining Suit/Action <input type="checkbox"/> Appeal					
Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form					
Individual <u>EVANS</u>		<u>SHIRLEY</u>		A. <u>—</u> M.I. <u>—</u> Jr/Sr/III/IV <u>—</u>	
Last Name First Name Maiden Name, if applicable					
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: <u>—</u>					
<input type="checkbox"/> Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: <u>—</u>					
D/B/A or Agency <u>—</u>					
Business					
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated					
<input type="checkbox"/> Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: <u>—</u>					
D/B/A <u>—</u>					
Address of Plaintiff <u>3066 Summit Drive SW, Boque Chitto, MS 39629</u>					
Attorney (Name & Address) <u>John C. Hall, II, 188 E. Capitol Street, Suite 777, Jackson, MS 39201</u>				MS Bar No. <u>99384</u>	
<input type="checkbox"/> Check (x) if Individual Filing Initial Pleading is NOT an attorney					
Signature of Individual Filing: <u>[Signature]</u>					
Defendant - Name of Defendant - Enter Additional Defendants on Separate Form					
Individual <u>—</u>		<u>—</u>		A. <u>—</u> M.I. <u>—</u> Jr/Sr/III/IV <u>—</u>	
Last Name First Name Maiden Name, if applicable					
<input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: <u>—</u>					
<input type="checkbox"/> Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: <u>—</u>					
D/B/A or Agency <u>—</u>					
Business					
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated					
<input checked="" type="checkbox"/> Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below: <u>—</u>					
D/B/A <u>McCOMB MARKET</u>					
Attorney (Name & Address) - If Known				MS Bar No.	
Damages Sought: Compensatory \$ <u>—</u> Punitive \$ <u>—</u>					
<input type="checkbox"/> Check (x) if child support is contemplated as an issue in this suit. * If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
Nature of Suit (Place an "X" in one box only)					
<input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other <u>—</u>		<input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other <u>—</u>		<input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion Minor <input type="checkbox"/> Removal of Minority <input type="checkbox"/> Other <u>—</u>	
<input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other <u>—</u>		<input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest <input type="checkbox"/> Other <u>—</u>		<input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other <u>—</u>	
<input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other <u>—</u>		<input type="checkbox"/> Statutes/Rules <u>—</u>		<input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other <u>—</u>	
<input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input checked="" type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Other <u>—</u>		<input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other <u>—</u>		<input type="checkbox"/> Torts	

15-048-PCT 12

IN THE CIRCUIT COURT OF PIKE COUNTY, MISSISSIPPI
 JUDICIAL DISTRICT, CITY OF _____

Docket No. _____ Docket No. If Filed
 File Yr Chronological No. Clerk's Local ID Prior to 1/1/94 _____

**DEFENDANTS IN REFERENCED CAUSE - Page 1 of ____ Defendants Pages
 IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET**

Defendant #2:

Individual: _____
 Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
 Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
 D/B/A _____

Business COMMERCIAL PROPERTY 1, LLC

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:
 D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #3:

Individual: _____
 Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
 Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
 D/B/A _____

Business CPM ASSOCIATES, L.P.

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:
 D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

Defendant #4:

Individual: _____
 Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

____ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
 Estate of _____

____ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:
 D/B/A _____

Business _____

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

____ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:
 D/B/A _____

ATTORNEY FOR THIS DEFENDANT: _____ Bar # or Name: _____ Pro Hac Vice (✓) _____ Not an Attorney(✓) _____

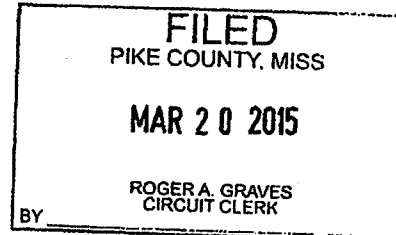
15-048-PCT 13

MORGAN & MORGAN®

Attorneys At Law

SUITE 777
ONE JACKSON PLACE
188 E. CAPITOL STREET
JACKSON, MS 39201
(601) 949-3388
FAX: (601) 949-3399

February 20, 2015



Mr. Roger A. Graves, Clerk
CIRCUIT COURT OF PIKE COUNTY
Post Office Box 31
Magnolia, Mississippi 39652

Re: Shirley Ann Evans vs. Supermarket Operations, Inc. d/b/a McComb Market; Commercial Property I, LLC; CPM Associates, L.P.; and, John Does 1-10; In the Circuit Court of Pike County, Mississippi
[Our File No. 2269488]

Dear Mr. Graves:

Enclosed please find the following documents regarding the above-referenced matter:

- Scat Back*
- 1) The original and one (1) copy of the Complaint;
 - 2) Triplicate (3) Summons for each Defendant;
 - 3) The original and one (1) copy of the Plaintiff's First Set of Interrogatories Propounded to the Defendants;
 - 4) The original and one (1) copy of the Plaintiff's First Set of Requests for Production of Documents Propounded to the Defendants;
 - 5) The original and one (1) copy of a Civil Cover Sheet; and,
 - 6) A firm check in the amount of \$160.00 for the filing fee.

Please file the original Complaint and discovery, issue the Summons and return to me for service of process. I have enclosed a self-addressed, postage prepaid envelope for your convenience.

Thank you for your assistance in this matter. If you should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

John C. Hall, II

JCH/mms
Enclosures

www.forthethepeople.com

ATLANTA, GA ♦ COLUMBUS, GA ♦ DAYTONA BEACH, FL ♦ FT. MYERS, FL ♦ JACKSON, MS ♦ JACKSONVILLE, FL ♦ KISSIMMEE, FL
LEXINGTON, KY ♦ MANHATTAN, NY ♦ MEMPHIS, TN ♦ NAPLES, FL ♦ ORLANDO, FL ♦ PLANTATION, FL ♦ ST. PETERSBURG, FL
SARASOTA, FL ♦ SAVANNAH, GA ♦ TALLAHASSEE, FL ♦ TAMPA, FL ♦ TAVARES, FL ♦ THE VILLAGES, FL ♦ WINTER HAVEN, FL

15-048-PCT 14

IN THE CIRCUIT COURT OF PIKE COUNTY, MISSISSIPPI

SHIRLEY ANN EVANS

PLAINTIFF

VS.

SUPERMARKET OPERATIONS, INC.
d/b/a McCOMB MARKET; COMMERCIAL
PROPERTY 1, LLC; CPM ASSOCIATES, L.P.;
AND, JOHN DOES 1-10

CIVIL ACTION NO. 15-048-PCT
FILED
PIKE COUNTY, MISS.

MAR 20 2015

BY  ROGER A. GRAVES
CIRCUIT CLERK

DEFENDANTS

COMPLAINT
(JURY TRIAL REQUESTED)

COMES NOW the Plaintiff, Shirley Ann Evans (hereafter the "Plaintiff"), by and through her counsel of record and files this Complaint against the Defendants, Supermarket Operations, Inc. d/b/a McComb Market; Commercial Property 1, LLC; CPM Associates, L.P.; and, John Does 1-10 (hereafter the "Defendants") for cause would show unto this Honorable Court the following, to wit:

PARTIES

1. The Plaintiff, Shirley Ann Evans, is an adult resident citizen of Lincoln County, Mississippi and currently resides at 3066 Summit Drive SW, Bogue Chitto, Mississippi 39629.

2. The Defendant, Supermarket Operations, Inc. d/b/a McComb Market, is a foreign corporation organized under the laws of the State of Louisiana, with its principal office address of Post Office Box 18220, Natchez, Mississippi 39122-8200. Supermarket Operations, Inc. is doing business in Pike County Mississippi as the McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648. Supermarket Operations, Inc. may be served with process of this Court through its registered agent of process Harley D. Loy, who can be located at 116 Lower Woodville Road, Post Office Box 8220, Natchez, Mississippi 39120.

3. The Defendant, Commercial Property 1, LLC, is a Limited Liability Company organized under the laws of the State of Mississippi and with its principal place of business located at

15-048-PCT 15

613 Crescent Circle, Suite 200, Ridgeland, Mississippi 39157. Commercial Property 1, LLC may be served with process of this Court through its registered agent of process Gary B. Cress, who can be located at 772 Lake Harbour Drive, Ridgeland, Mississippi 39157 or Post Office Box 1260, Ridgeland, Mississippi 39158.

4. The Defendant, CPM Associates, L.P., is a Limited Partnership organized under the laws of the State of Tennessee and with its principal place of business located at 1300 First Tennessee Building, Chattanooga, Tennessee 37402. CPM Associates, L.P. may be served with process of this Court through its registered agent of process Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

5. Defendants, John Does 1 – 10, are the owners, operators, managers, and all other entities, corporate and/or individuals, of the following:

a) McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648;

b) Supermarket Operations, Inc. located at 116 Lower Woodville Road, Post Office Box 8220, Natchez, Mississippi 39120;

c) Commercial Property 1, LLC located at 613 Crescent Circle, Suite 200, Ridgeland, Mississippi 39157;

d) CPM Associates, L.P., located at 1300 First Tennessee Building, Chattanooga, Tennessee 37402.

These individuals were in some manner negligently and proximately responsible for the events and happenings alleged in this Complaint and for the Plaintiff's injuries and damages.

JURISDICTION AND VENUE

6. The Circuit Court of Pike County, Mississippi, has jurisdiction of the parties and the subject matter of this action.

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7. Venue is proper as this civil action arises out of negligent acts and omissions committed in Pike County, Mississippi, and the cause of action occurred and accrued in Pike County, Mississippi.

FACTS

8. The Plaintiff adopts and alleges the allegations contained in paragraphs 1 through 8 of this Complaint as if fully set out herein.

9. At all times mentioned in this Complaint, the Defendant, Supermarket Operations, Inc. d/b/a McComb Market owned and operated a grocery/retail store known as McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648.

10. At all times mentioned in this Complaint, the Defendant, Commercial Property 1, LLC, owned the property on which the Defendant, Supermarket Operations, Inc. d/b/a McComb Market, is located at 1209 Delaware Avenue, McComb, Mississippi 39648.

11. At all times mentioned in this Complaint, the Defendant, CPM Associates, L.P., owned the property on which the Defendant, Supermarket Operations, Inc. d/b/a McComb Market, is located at 1209 Delaware Avenue, McComb, Mississippi 39648.

12. At all times mentioned in this Complaint, the Defendant, Supermarket Operations, Inc. d/b/a McComb Market, invited the general public, including the Plaintiff, to enter the premises of the McComb Market, located at 1209 Delaware Avenue, McComb, Mississippi 39648, for reasons mutually advantageous to both the Defendant and the Plaintiff.

13. On or about January 1, 2014, the Plaintiff was an invitee on the premises of the McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648.

14. At the above-mentioned time and place, the Plaintiff was walking in the parking lot toward the entrance of the subject premises of the McComb Market, when suddenly and without warning, she tripped on a crack between the concrete slabs which caused a dangerous elevation. This caused the Plaintiff to fall violently to the ground causing her to sustain injuries and damages.

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15. The Defendant, Supermarket Operations, Inc., as owners and operators of both the McComb Market, as well as, owners and operators of the premises on which it is located, where the Plaintiff was seriously injured, owed a duty to the Plaintiff to keep the premises of McComb Market in a reasonably safe condition, to warn the Plaintiff of any dangerous conditions not readily apparent of which it knew or should have known in the exercise of reasonable care, and to conduct reasonable inspections to discover dangerous conditions existing on the premises of the McComb Market.

16. The Defendant, Supermarket Operations, Inc., as owners and operators of both the McComb Market, as well as, the Defendants, Commercial Property 1, LLC, and CPM Associates, L.P., as owners and operators of the premises on which it is located, where the Plaintiff was seriously injured, breached the duties owed to the Plaintiff by:

- a) Failing to maintain the premises of the McComb Market in a reasonably safe condition;
- b) Failing to make reasonable inspections to discovery dangerous conditions existing on the premises of the McComb Market;
- c) Failing to warn the Plaintiff of the danger presented by the presence of several mats on the premises of the McComb Market; and,
- d) Failing to otherwise exercise due care with respect to the matters alleged in this Complaint.

17. As a direct and proximate result of the negligence of the Defendants, as set forth above, the Plaintiff slipped and fell while entering and on the premises of the McComb Market.

18. As a further direct and proximate result of the negligence of the Defendants, as set forth above, the Plaintiff sustained serious injuries and damages including but not limited to physical injuries; past, present, and future pain and suffering; past, present and future medical expenses; lost wages and other damages that will be proved at the trial of this matter.

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PRAYER FOR RELIEF


WHEREFORE PREMISES CONSIDERED, the Plaintiff requests a trial by jury and demands damages including actual, compensatory, consequential, and incidental damages, for physical injuries; past, present and future physical and emotional pain and suffering, past, present and future medical expenses; lost wages and any other special damages that may be incurred by the Plaintiff, together with attorney's fees, costs of suit and any further relief as the Court may deem proper.

THIS, the 26th day of February, 2015.

Respectfully submitted,

SHIRLEY ANN EVANS, PLAINTIFF

By: _____


JOHN C. HALL, II
Attorney for Plaintiff

Of Counsel:

John C. Hall, II, MSB No. 99384
MORGAN & MORGAN, P.A.
One Jackson Place, Suite 777
188 East Capitol Street
Jackson, Mississippi 39201
Telephone: (601) 949-3388
Facsimile: (601) 718-2094
Email: jhall@forthepeople.com

15-048-PCT 19



Offices in Jackson, Oxford and Ocean Springs, Mississippi

H. Wesley Williams, III
Also admitted in Arkansas, Louisiana
Tennessee and the District of Columbia

Pamela Pittman
Paralegal

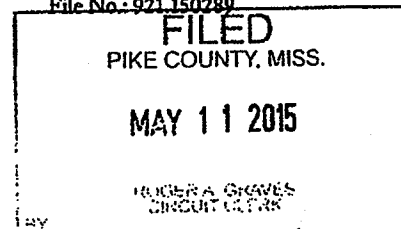
May 8, 2015

Post Office Box 13669
Jackson, MS 39236

599 Highland Colony Parkway, Suite 100
Ridgeland, MS 39157
Telephone (601) 853-1911
Facsimile (601) 853-8284
www.markowwalker.com
E-mail: wwilliams@markowwalker.com

Mr. Roger A. Graves
Pike County Circuit Clerk
P.O. Box 31
Magnolia, MS 39652

File No. 921 150289



**Re: Shirley Ann Evans v. Supermarket Operations, Inc. d/b/a McComb
Market; Commercial Property 1, LLC; CPM Associates, L.P. and John
Does 1-10; In the Circuit Court of Pike County, Mississippi; Cause no.
15-048-PCT**

Dear Mr. Graves:

Enclosed please find the original and one copy of the *Notice of Service of Request for Admissions to Plaintiff* in regard to the above referenced litigation. Please file the original and return the stamped "filed" copy to me in the enclosed, self-addressed, stamped envelope.

By copy of this correspondence, I am providing counsel of record with a copy of same.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

MARKOW WALKER, P.A.

A handwritten signature in cursive script, appearing to read 'Wes Williams', followed by a horizontal line.
Wes Williams

WW:sf
Enclosures

cc: John C. Hall, Esq
Molly Shorter

#15-048-PCT 20

IN THE CIRCUIT COURT OF
PIKE COUNTY, MISSISSIPPI

Shirley Ann Evans

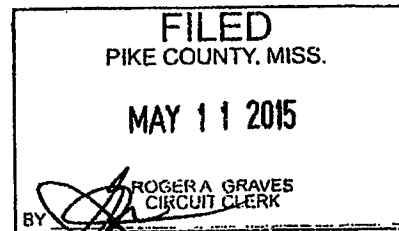
Cause No. 15-048-PCT

Plaintiff

v.

Notice of Service

Supermarket Operations,
Inc. d/b/a McComb Market;
Commercial Property 1,
LLC; CPM Associates, L.P.;
and John Does 1-10
Defendants



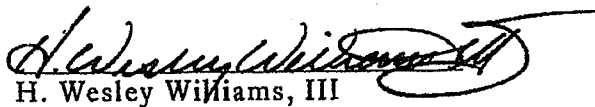
TO: John C. Hall, II, Esq.
Morgan & Morgan, P.A.
One Jackson Place, Suite 777
188 East Capitol Street
Jackson, MS 39201
Counsel for Plaintiff

NOTICE is hereby given that Pursuant to Rule 5(d) of the Mississippi Rules of Civil Procedure that the Defendant, CPM Associates, L.P., has this date served the following:

Defendant's First set of Request for Admissions

The undersigned retains the original of the above as custodian thereof.

Respectfully submitted, this the 8 day of May, 2015.


H. Wesley Williams, III

*15-048-PCT 21

H. Wesley Williams, III
MS Bar No. 9320
MARKOW WALKER, PA
Post Office Box 13669
Jackson, MS 39236-3669
Telephone: 601-853-1911
Facsimile: 601-853-8284
E-mail: wwilliams@markowwalker.com

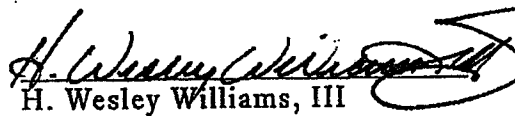
Attorneys for CPM Associates, L.P.

Certificate of Service

I, H. Wesley Williams, III, do hereby certify that on May
8, 2015, I do hereby certify that I have this day mailed, via
United States mail, a true and correct copy of the above and
foregoing *Notice of Service* to:

John C. Hall, II, Esq.
Morgan & Morgan, P.A.
One Jackson Place, Suite 777
188 East Capitol Street
Jackson, MS 39201
Counsel for Plaintiff

This the 8 day of May, 2015.


H. Wesley Williams, III

15-048-PCT 22



Offices in Jackson, Oxford and Ocean Springs, Mississippi

H. Wesley Williams, III
Also admitted in Arkansas, Louisiana
Tennessee and the District of Columbia

Pamela Pittman
Paralegal

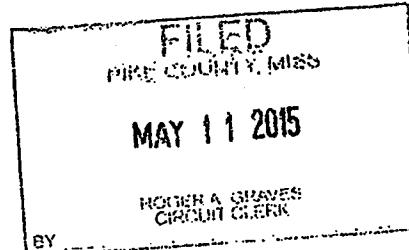
May 7, 2015

Post Office Box 13669
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Telephone (601) 853-1911
Facsimile (601) 853-8284
www.markowwalker.com
E-mail: wwiliams@markowwalker.com

File No.: 921.150289

Mr. Roger A. Graves
Pike County Circuit Clerk
P.O. Box 31
Magnolia, MS 39652



**Re: Shirley Ann Evans v. Supermarket Operations, Inc. d/b/a McComb
Market; Commercial Property 1, LLC; CPM Associates, L.P. and John
Does 1-10; In the Circuit Court of Pike County, Mississippi; Cause no.
15-048-PCT**

Dear Mr. Graves:

Enclosed please find the original and one copy of the *Answer and Defenses* in regard to the above referenced litigation. Please file the original and return the stamped "filed" copy to me in the enclosed, self-addressed, stamped envelope.

By copy of this correspondence, I am providing counsel of record with a copy of same.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

MARKOW WALKER, P.A.

Wes Williams

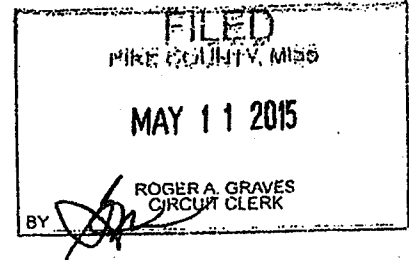
WW:sf

Enclosures

cc: John C. Hall, Esq
Molly Shorter

15-048-PCT 23

IN THE CIRCUIT COURT OF
PIKE COUNTY, MISSISSIPPI



Shirley Ann Evans,
Plaintiff

Cause No.15-048-PCT

v.

Answer and Defenses

**Supermarket Operations, Inc.
d/b/a, McComb Market;
Commercial Property 1, LLC;
CPM Associates, L.P.; and, John
Does 1-10**

Defendant

COMES NOW, the Defendant, CPM Associates, L.P.
through counsel, and responds to the allegations in the
Complaint as follows:

First Defense

The complaint fails to state a claim upon which relief
can be granted and it should be dismissed pursuant to Rule
12(b)(6) of the Mississippi Rules of Civil Procedure.

Second Defense

The Defendant generally denies all of the averments
contained in the Complaint, and each paragraph and
subparagraph thereof, except such designated averments,

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paragraphs or subparagraphs, as are expressly set forth to the contrary more fully herein below pursuant to Rule 8(b) of the Mississippi Rules of Civil Procedure.

AND NOW, the Defendant, without waiving any of the above-referenced defenses, responds to each and every numbered paragraph in Plaintiff's Complaint, as follows, to-wit:

PARTIES

1. The Plaintiff, Shirley Ann Evans, is an adult resident citizen of Lincoln County, Mississippi and currently resides at 3066 Summit Drive SW, Bogue Chitto, Mississippi 39629.

Response: Admitted.

2. The Defendant, Supermarket Operations, Inc. d/b/a McComb Market, is a foreign corporation organized under the laws of the State of Louisiana, with its principal office address of Post Office. Box 18220, Natchez, Mississippi 39122-8200. Supermarket Operations, Inc. is doing business in Pike County Mississippi as the McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648. Supermarket Operations, Inc. may be served with process of this Court through its registered agent of process Harley D. Loy, who can be located

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at 116 Lower Woodville Road, Post Office Box 8220, Natchez, Mississippi 39120.

Response: The allegations in this paragraph do not pertain to CPM Associates, LP; therefore, no response is required of this Defendant. If a response is required, then the allegations are denied.

3. The Defendant, Commercial Property 1, LLC, is a Limited Liability Company organized under the laws of the State of Mississippi and with its principal place of business located at 613 Crescent Circle, Suite 200, Ridgeland, Mississippi 39157. Commercial Property 1, LLC may be served with process of this Court through its registered agent of process Gary B. Cress, who can be located at 772 Lake Harbour Drive, Ridgeland, Mississippi 39157 or Post Office Box 1260, Ridgeland, Mississippi 39158.

Response: The allegations in this paragraph do not pertain to CPM Associates, LP; therefore, no response is required of this Defendant. If a response is required, then the allegations are denied.

4. The Defendant, CPM Associates, L.P., is a Limited Partnership organized under the laws of the State of Tennessee

15-048-PCT 26

and with its principal place of business located at 1300 First Tennessee Building, Chattanooga, Tennessee 37402. CPM Associates, L.P. may be served with process of this Court through its registered agent of process Corporation Service Company, 506 South President Street, Jackson, Mississippi 39201.

Response: Admitted.

5. Defendants, John Does 1 - 10, are the owners, operators, managers, and all other entities, corporate and/or individuals, of the following:

- a) McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648;
- b) Supermarket Operations, Inc. located at 116 Lower Woodville Road, Post Office Box 8220, Natchez, Mississippi 39120;
- c) Commercial Property 1, LLC located at 613 Crescent Circle, Suite 200, Ridgeland, Mississippi 39157;
- d) CPM Associates, L.P., located at 1300 First Tennessee Building, Chattanooga, Tennessee 37402.

These individuals were in same manner negligently and proximately responsible for the events and happenings alleged

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in this Complaint and for the Plaintiff's injuries and damages.

Response: Denied.

JURISDICTION AND VENUE

6. The Circuit Court of Pike County, Mississippi, has jurisdiction of the parties and the subject matter of this action.

Response: Admitted as to CPM Associates, LP.

7. Venue is proper as this civil action arises out of negligent acts and omissions committed in Pike County, Mississippi, and the cause of action occurred and accrued in Pike County, Mississippi.

Response: Admitted.

FACTS

8. The Plaintiff adopts and alleges the allegations contained in paragraphs 1 through 8 of this Complaint as if fully set out herein.

Response: CPM Associates, LP adopts each of its responses to the previous paragraphs.

9. At all times mentioned in this Complaint, the Defendant, Supermarket Operations, Inc. d/b/a McComb Market owned and operated a grocery/retail store known as

15-048-PCT 28

McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648.

Response: Admitted.

10. At all times mentioned in this Complaint, the Defendant, Commercial Property I, LLC, owned the property on which the Defendant, Supermarket Operations, Inc. d/b/a McComb Market, is located at 1209 Delaware Avenue, McComb, Mississippi 39648.

Response: Denied.

11. At all times mentioned in this Complaint, the Defendant, CPM Associates, L.P., owned the property on which the Defendant, Supermarket Operations, Inc. d/b/a McComb Market, is located at 1209 Delaware Avenue, McComb, Mississippi 39648.

Response: Admitted.

12. At all times mentioned in this Complaint, the Defendant, Supermarket Operations, Inc. d/b/a McComb Market, invited the general public, including the Plaintiff, to enter the premises of the McComb Market, located at 1209 Delaware Avenue, McComb, Mississippi 39648, for reasons mutually advantageous to both the Defendant and the Plaintiff.

15-048-PCT 29

Response: Denied as stated. It is admitted that the plaintiff was a business invitee at the time of her accident.

13. On or about January 1, 2014, the Plaintiff was an invitee on the premises of the McComb Market located at 1209 Delaware Avenue, McComb, Mississippi 39648.

Response: Admitted.

14. At the above-mentioned time and place, the Plaintiff was walking in the parking lot toward the entrance of the subject premises of the McComb Market, when suddenly and without warning, she tripped on a crack between the concrete slabs which caused a dangerous elevation. This caused the Plaintiff to fall violently to the ground causing her to sustain injuries and damages.

Response: Denied. It is admitted that the Plaintiff fell as she was walking in the parking lot toward the entrance of the McComb Market. It is also admitted that the Plaintiff fractured the humerus bone in her right arm.

15. The Defendant, Supermarket Operations, Inc., as owners and operators of both the McComb Market, as well as, owners and operators of the premises on which it is located, where the Plaintiff was seriously injured, owed a duty to the

15-048-PCT 30

Plaintiff to keep the premises of McComb Market in a reasonably safe condition, to warn the Plaintiff of any dangerous conditions not readily apparent of which it knew or should have known in the exercise of reasonable care, and to conduct reasonable inspections to discover dangerous conditions existing on the premises of the McComb Market.

Response: Denied. It is admitted that a premises owner or occupier has a duty to keep the premises reasonably safe. And he/she has a duty to warn of hidden dangers which are known or in the exercise of reasonable care, should have been known.

16. The Defendant, Supermarket Operations, Inc., as owners and operators of both the McComb Market, as well as, the Defendants, Commercial Property 1, LLC, and CPM Associates, L.P., as owners and operators of the premises on which it is located, where the Plaintiff was seriously injured, breached the duties owed to the Plaintiff by:

- a) Failing to maintain the premises of the McComb Market in a reasonably safe condition;
- b) Failing to make reasonable inspections to discovery [sic] dangerous conditions existing on the premises of

15-048-PCT 31

the McComb Market;

c) Failing to warn the Plaintiff of the danger presented by the presence of several mats on the premises of the McComb Market; and,

d) Failing to otherwise exercise due care with respect to the matters alleged in this Complaint.

Response: Denied.

17. As a direct and proximate result of the negligence of the Defendants, as set forth above, the Plaintiff slipped and fell while entering and on the premises of the McComb Market.

Response: Denied. It is admitted that the Plaintiff fell on the premises.

18. As a further direct and proximate result of the negligence of the Defendants, as set forth above, the Plaintiff sustained serious injuries and damages including but not limited to physical injuries; past, present, and future pain and suffering; past, present and future medical expenses; lost wages and other damages that will be proved at the trial of this matter.

Response: Denied. It is admitted that the Plaintiff

15-048-PCT 32

fractured the humerus bone in her right arm as result of the fall. CPM Associates, LP lacks sufficient information or knowledge concerning any other injuries or damages allegedly sustained by the Plaintiff.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff request a trial by jury and demands damages including actual, compensatory, consequential, and incidental damages, or physical injuries; past, present and future physical and emotional pain and suffering, past, present and future medical expenses; lost wages and any other special damages that may be incurred by the Plaintiff, together with attorney's fees, costs of suit and any further relief as the Court may deem proper.

Response: In response to the unnumbered ad damnum paragraph, the CPM Associates, LP denies that the Plaintiff is entitled to a judgment from it in any amount whatsoever.

AND NOW, RESPONDING AFFIRMATIVELY, the Defendant would show unto the Court the following, to-wit:

First Affirmative Defense

CPM Associates, LP would affirmatively plead Miss. Code Ann. § 11-7-15 (1972) and would aver that the acts and/or

15-048-PCT 33

omissions of the Plaintiff caused, in whole or in part, her own injuries and/or damages and that a recovery, if any, by the Plaintiff must be reduced in accordance with her own proportionate share of fault.

Second Affirmative Defense

CPM Associates, LP avers that he exercised the degree of care which a reasonably prudent person would have exercised in the same or similar circumstances and thus did not breach any applicable duty owed to Plaintiff.

Third Affirmative Defense

The Plaintiff has failed to mitigate her damages as required by law.

Fourth Affirmative Defense

In the event subsequent investigation reveals that the sole proximate, and/or contributing, cause of the Plaintiff's damages, if any, was a preexisting condition, disease, lesion or other illness for which this Defendant would not be liable, CPM Associates, LP reserves the right to defend on said basis.

Fifth Affirmative Defense

CPM Associates, LP would affirmatively plead Mississippi Code Annotated § 11-7-15 (1972) and § 85-5-7 (Rev.

15-048-PCT 34

1991) and would aver that the acts or omissions of others, for whom this Defendant has no responsibility or liability, are the sole proximate, or contributing, cause of the Plaintiff's injury and that a jury must be allowed to assess the proportionate share of fault to said parties and/or participants.

Sixth Affirmative Defense

In the event subsequent investigation reveals that the Plaintiff's damages, if any, are the result of an intervening act and/or event occurring subsequent to January 1, 2014, which was the sole proximate and/or substantially contributing cause, the Defendant reserves the right to defend on said basis.

Seventh Affirmative Defense

The condition that allegedly caused the Plaintiff to trip and fall is not considered as dangerous under applicable Mississippi law.

Eighth Affirmative Defense

The alleged dangerous condition was not caused or created by the Defendants and did not exist for a sufficient length of time to impart constructive knowledge.

Ninth Affirmative Defense

The condition that allegedly caused the Plaintiff to slip

15-048-PCT 35

and fall was open and obvious and did not require a warning from the Defendants.

Tenth Affirmative Defense

In the event that the Plaintiff tripped and fell in an area not occupied or controlled by CPM Associates, LP, there would be no liability as to CPM Associates, LP. *Wilson v. Allday*, 487 So. 2d 793, 796 (Miss. 1986).

Eleventh Affirmative Defense

CPM Associates, LP avers that the Plaintiff has fraudulently joined Commercial Property 1, LLC as a defendant in this case.

Twelfth Affirmative Defense

CPM Associates, LP reserves the right to affirmatively plead any and all other defenses and affirmative defenses available to him which may become applicable through discovery and during the trial of this cause.

Thirteenth Affirmative Defense


The facts not having been fully developed, CPM Associates, LP adopts the following affirmative defenses: accord and satisfaction, arbitration and award, assumption of risk, contributory negligence, discharge and bankruptcy,

15-048-PCT 36

duress, estoppels, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver, and any other matter constituting an avoidance or affirmative defense as may be shown by the fact in this cause.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this Answer be received and deemed sufficient and that a Judgment be entered in her favor denying the relief requested by the Plaintiff and dismissing this action with prejudice with costs being assessed against the Plaintiff. The Defendant also prays for any general relief which the Court may deem appropriate in the premises.

Respectfully submitted, this the 17TH day May, 2015.


H. Wesley Williams, III
Counsel for CPM Associates, LP

H. Wesley Williams, III
MS Bar No. 9320
MARKOW WALKER, PA
Post Office Box 13669
Jackson, MS 39236-3669
Telephone: 601-853-1911
Facsimile: 601-853-8284
E-mail: wwilliams@markowwalker.com

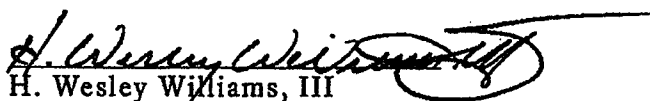
15-048-PCT 37

Certificate of Service

I, H. Wesley Williams, III, do hereby certify that I have
this day mailed via United States mail, and electronic mail, a
true and correct copy of the above and foregoing Answer and
Defenses to:

John Hall, Esq.
Morgan & Morgan
One Jackson Place, Suite 777
188 E. Capitol Street
Jackson, MS 39201
Counsel for Plaintiff

This the 7th day of May, 2015.


H. Wesley Williams, III

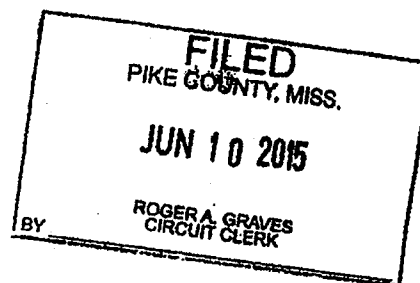
15-048-PCT 38

MORGAN & MORGAN®

Attorneys At Law

SUITE 777
ONE JACKSON PLACE
188 E. CAPITOL STREET
JACKSON, MS 39201
(601) 949-3388
FAX: (601) 949-3399

June 5, 2015



Mr. Roger A. Graves, Clerk
CIRCUIT COURT OF PIKE COUNTY
Post Office Box 31
Magnolia, Mississippi 39652

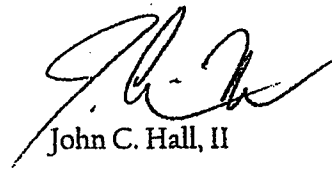
Re: Shirley Ann Evans vs. Supermarket Operations, Inc. d/b/a McComb Market;
Commercial Property I, LLC; CPM Associates, LP.; and, John Does I-10; In the
Circuit Court of Pike County, Mississippi; C.A. No. 15-048-PCT
[Our File No. 2269488]

Dear Mr. Graves:

Enclosed please find the original and one (1) copy of a *Notice of Service of Discovery Responses* for filing in the above-referenced matter. Please file the original and return the stamped "filed" copy to me for my file. I have enclosed a self-addressed, postage prepaid envelope for your convenience.

Thank you for your assistance in this matter. If you should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



John C. Hall, II

JCH/mms
Enclosures

www.forthethepeople.com

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LEXINGTON, KY ♦ LOUISVILLE, KY ♦ MANHATTAN, NY ♦ MELBOURNE, FL ♦ MEMPHIS, TN ♦ NAPLES, FL ♦ NASHVILLE, TN ♦ ORLANDO, FL ♦ PLANTATION, FL
ST. PETERSBURG, FL ♦ SARASOTA, FL ♦ SAVANNAH, GA ♦ TALLAHASSEE, FL ♦ TAMPA, FL ♦ TAVARES, FL ♦ THE VILLAGES, FL ♦ WINTER HAVEN, FL

15-048-PCT 39

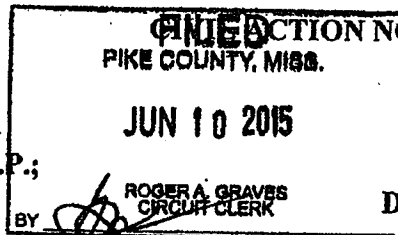
IN THE CIRCUIT COURT OF PIKE COUNTY, MISSISSIPPI

SHIRLEY ANN EVANS

PLAINTIFF

VS.

SUPERMARKET OPERATIONS, INC.
d/b/a McCOMB MARKET; COMMERCIAL
PROPERTY 1, LLC; CPM ASSOCIATES, L.P.;
AND, JOHN DOES 1-10



DEFENDANTS

NOTICE OF SERVICE OF DISCOVERY RESPONSES

Notice is hereby given that the Plaintiff, Shirley Ann Evans, by and through counsel, has upon this date served in the above entitled action the following:

*Plaintiff's Responses to Defendant
CPM Associates, L.P.'s First Set of Requests for Admissions*

THIS, the 4th day of June, 2015.

Respectfully submitted,

SHIRLEY ANN EVANS, PLAINTIFF

By: 
JOHN C. HALL, II, Her Attorney

Of Counsel:

John C. Hall, II, MSB No. 99384
MORGAN & MORGAN, P.A.
One Jackson Place, Suite 777
188 E. Capitol Street
Jackson, Mississippi 39201
Telephone: (601) 949-3388
Facsimile: (601) 949-3399
E-mail: jhall@forthepeople.com


15-048-PCT 40

CERTIFICATE OF SERVICE

I, John C. Hall, II, counsel of record for the Plaintiff, Shirley Ann Evans, do hereby certify that I have this day forwarded, via United States Mail, postage prepaid, and/or via electronic transmission, a true and correct copy of the foregoing document to the following:

H. Wesley Williams, III, Esq.
MARKOW WALKER, P.A.
Post Office Box 13669
Jackson, Mississippi 39236-3669
wwilliams@markowwalker.com

THIS, the 4th day of June, 2015.



JOHN C. HALL, II

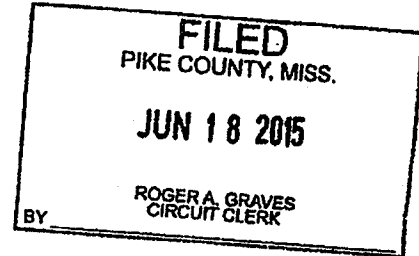
15-048-PCT 41

MORGAN & MORGAN®

Attorneys At Law

SUITE 777
ONE JACKSON PLACE
188 E. CAPITOL STREET
JACKSON, MS 39201
(601) 949-3388
FAX: (601) 949-3399

June 15, 2015



Mr. Roger A. Graves, Clerk
CIRCUIT COURT OF PIKE COUNTY
Post Office Box 31
Magnolia, Mississippi 39652

Re: Shirley Ann Evans vs. Supermarket Operations, Inc. d/b/a McComb Market;
Commercial Property 1, LLC; CPM Associates, L.P.; and, John Does 1-10; In the
Circuit Court of Pike County, Mississippi; C.A. No. 15-048-PCT
[Our File No. 2269488]

Dear Mr. Graves:

Enclosed please find the original and one (1) copy of the executed Proof of Service of Summons, etc. regarding the Defendant, Commercial Property 1, LLC for filing in the above-referenced matter. Please file the original and return the stamped "filed" copy to me for my file. I have enclosed a self-addressed, postage prepaid envelope for your convenience.

Thank you for your assistance in this matter. If you should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

John C. Hall, II

John C. Hall, II

mms

JCH/mms
Enclosures

www.forthethepeople.com

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LEXINGTON, KY ♦ LOUISVILLE, KY ♦ MANHATTAN, NY ♦ MELBOURNE, FL ♦ MEMPHIS, TN ♦ NAPLES, FL ♦ NASHVILLE, TN ♦ ORLANDO, FL ♦ PLANTATION, FL
ST. PETERSBURG, FL ♦ SARASOTA, FL ♦ SAVANNAH, GA ♦ TALLAHASSEE, FL ♦ TAMPA, FL ♦ TAVARES, FL ♦ THE VILLAGES, FL ♦ WINTER HAVEN, FL

15-048-PCT 42

IN THE CIRCUIT COURT OF PIKE COUNTY, MISSISSIPPI

SHIRLEY ANN EVANS

PLAINTIFF

VS.

CIVIL ACTION NO. 15-048-PCT

SUPERMARKET OPERATIONS, INC.
d/b/a McCOMB MARKET;
COMMERCIAL PROPERTY 1, LLC;
CPM ASSOCIATES, L.P.; AND, JOHN DOES 1-10

DEFENDANTS

SUMMONS

STATE OF MISSISSIPPI

COUNTY OF PIKE

TO: COMMERCIAL PROPERTY 1, LLC
c/o Gary B. Cress, Registered Agent
772 Lake Harbour Drive
Ridgeland, Mississippi 39157

NOTICE TO DEFENDANT

THE COMPLAINT AND DISCOVERY WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

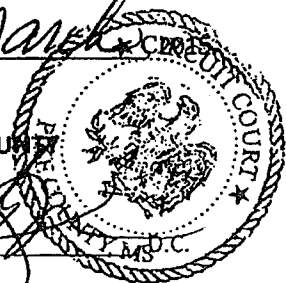
You are required to mail or hand-deliver a copy of a written response to the Complaint to John C. Hall, II, attorney for the Plaintiff, whose address is MORGAN & MORGAN, P.A., One Jackson Place, Suite 777, 188 East Capitol Street, Jackson, Mississippi 39201. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint. Your written responses to the Discovery which is simultaneously being served with the Complaint must be must be mailed or delivered within forty five (45) days from the date of delivery of this Summons and Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued, under my hand and the seal of said Court, this 20 day of March

ROGER A. GRAVES, CLERK
CIRCUIT COURT OF PIKE COUNTY

By: _____



15-048-PCT 43

PROOF OF SERVICE

SUMMONS, COMPLAINT, PLAINTIFF'S FIRST SET OF
INTERROGATORIES PROPOUNDED TO THE DEFENDANTS AND PLAINTIFF'S FIRST SET
OF REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO THE DEFENDANTSCommercial Property 1, LLC
NAME OF PERSON OR ENTITY SERVED

I, the undersigned process server, served the Summons, Complaint, Plaintiff's First Set of Interrogatories Propounded to the Defendants and Plaintiff's First Set of Requests for Production of Documents Propounded to the Defendants upon the person or entity named above in the manner set forth below:

FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE: By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender.

X PERSONAL SERVICE. I personally delivered copies to Commercial Property 1 on the 13th day of April, 2015, where I found said person(s) in Madison County of the State of Mississippi.

RESIDENCE SERVICE. After exercising reasonable diligence, I was unable to deliver copies to said person within County, Mississippi. I served the summons and complaint on the _____ day of _____, 2015, at the usual place of abode of said person by leaving a true copy of the Summons, Complaint, Plaintiff's First Set of Interrogatories Propounded to the Defendants and Plaintiff's First Set of Requests for Production of Documents Propounded to the Defendants with _____ who is the _____ (wife, husband, son, daughter or other person, as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive Summons, Complaint, Plaintiff's First Set of Interrogatories Propounded to the Defendants and Plaintiff's First Set of Requests for Production of Documents Propounded to the Defendants, and thereafter on the _____ day of _____, 2015, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or the return envelope marked "Refused".)

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: 45.00

Process server must list below: (Please print or type.)

Name: Lee Van Young sr.

Social Security No. _____

Address: PO Box 24251

Telephone No. 601-906-5780

Jackson, MS. 39225

STATE OF MISSISSIPPI

COUNTY OF Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Lee Van Young sr who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service - Summons, Complaint, Plaintiff's First Set of Interrogatories Propounded to the Defendants and Plaintiff's First Set of Requests for Production of Documents Propounded to the Defendants" are true and correct as herein stated.

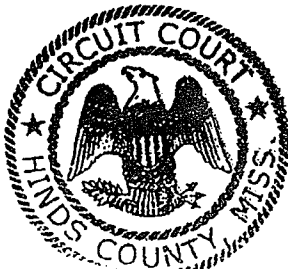
Lee Van Young sr
PROCESS SERVER (Signature)

Sworn to and subscribed before me this the 21 day of April, 2015.

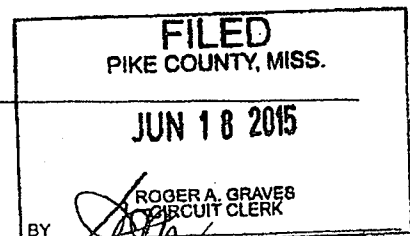
(Seal)

My Commission Expires:

1/1/16



NOTARY PUBLIC



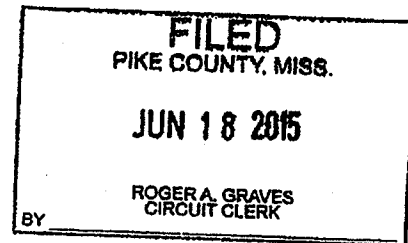
15-048-PCT 44

MORGAN & MORGAN®

Attorneys At Law

SUITE 777
ONE JACKSON PLACE
188 E. CAPITOL STREET
JACKSON, MS 39201
(601) 949-3388
FAX: (601) 949-3399

June 15, 2015



Mr. Roger A. Graves, Clerk
CIRCUIT COURT OF PIKE COUNTY
Post Office Box 31
Magnolia, Mississippi 39652

Re: Shirley Ann Evans vs. Supermarket Operations, Inc. d/b/a McComb Market;
Commercial Property I, LLC; CPM Associates, L.P.; and, John Does 1-10; In the
Circuit Court of Pike County, Mississippi; C.A. No. 15-048-PCT
[Our File No. 2269488]

Dear Mr. Graves:

Enclosed please find the original and one (1) copy of the executed Proof of Service of Summons, etc. regarding the Defendant, CPM Associates, L.P. for filing in the above-referenced matter. Please file the original and return the stamped "filed" copy to me for my file. I have enclosed a self-addressed, postage prepaid envelope for your convenience.

Thank you for your assistance in this matter. If you should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to be "John C. Hall, II".

John C. Hall, II

JCH/mms
Enclosures

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LEXINGTON, KY ♦ LOUISVILLE, KY ♦ MANHATTAN, NY ♦ MELBOURNE, FL ♦ MEMPHIS, TN ♦ NAPLES, FL ♦ NASHVILLE, TN ♦ ORLANDO, FL ♦ PLANTATION, FL
ST. PETERSBURG, FL ♦ SARASOTA, FL ♦ SAVANNAH, GA ♦ TALLAHASSEE, FL ♦ TAMPA, FL ♦ TAVARES, FL ♦ THE VILLAGES, FL ♦ WINTER HAVEN, FL

15-048-PCT 45

IN THE CIRCUIT COURT OF PIKE COUNTY, MISSISSIPPI

SHIRLEY ANN EVANS

PLAINTIFF

VS.

CIVIL ACTION NO. 15-048-PCT

SUPERMARKET OPERATIONS, INC.
d/b/a McCOMB MARKET;
COMMERCIAL PROPERTY 1, LLC;
CPM ASSOCIATES, L.P.; AND, JOHN DOES 1-10

DEFENDANTS

SUMMONS

STATE OF MISSISSIPPI

COUNTY OF PIKE

TO: CPM ASSOCIATES, L.P.
c/o Corporation Service Company, Registered Agent
506 South President Street
Jackson, Mississippi 39201

NOTICE TO DEFENDANT

THE COMPLAINT AND DISCOVERY WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

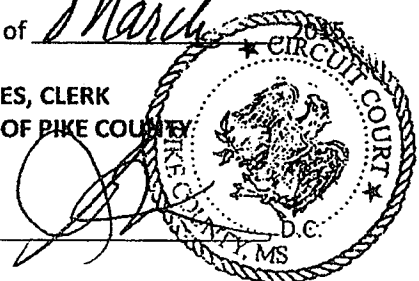
You are required to mail or hand-deliver a copy of a written response to the Complaint to John C. Hall, II, attorney for the Plaintiff, whose address is MORGAN & MORGAN, P.A., One Jackson Place, Suite 777, 188 East Capitol Street, Jackson, Mississippi 39201. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint. Your written responses to the Discovery which is simultaneously being served with the Complaint must be must be mailed or delivered within forty five (45) days from the date of delivery of this Summons and Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued, under my hand and the seal of said Court, this 20 day of March

ROGER A. GRAVES, CLERK
CIRCUIT COURT OF PIKE COUNTY

By: _____



15-048-PCT 46

PROOF OF SERVICE

SUMMONS, COMPLAINT, PLAINTIFF'S FIRST SET OF
INTERROGATORIES PROPOUNDED TO THE DEFENDANTS AND PLAINTIFF'S FIRST SET
OF REQUESTS FOR PRODUCTION OF DOCUMENTS PROPOUNDED TO THE DEFENDANTSCPM Associates, L.P.

NAME OF PERSON OR ENTITY SERVED

I, the undersigned process server, served the Summons, Complaint, Plaintiff's First Set of Interrogatories Propounded to the Defendants and Plaintiff's First Set of Requests for Production of Documents Propounded to the Defendants upon the person or entity named above in the manner set forth below:

FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE: By mailing (by first class mail, postage prepaid), on the date stated in the attached Notice, copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender.

X PERSONAL SERVICE. I personally delivered copies to CPM Associates, L.P. on the 26th day of April, 2015, where I found said person(s) in Hinds County of the State of Mississippi.

RESIDENCE SERVICE. After exercising reasonable diligence, I was unable to deliver copies to said person within County, Mississippi. I served the summons and complaint on the _____ day of _____, 2015, at the usual place of abode of said person by leaving a true copy of the Summons, Complaint, Plaintiff's First Set of Interrogatories Propounded to the Defendants and Plaintiff's First Set of Requests for Production of Documents Propounded to the Defendants with _____, who is the _____ (wife, husband, son, daughter or other person, as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive Summons, Complaint, Plaintiff's First Set of Interrogatories Propounded to the Defendants and Plaintiff's First Set of Requests for Production of Documents Propounded to the Defendants, and thereafter on the _____ day of _____, 2015, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or the return envelope marked "Refused".)

At the time of service I was at least 18 years of age and not a party to this action. 35.00

Fee for service: _____

Process server must list below: (Please print or type.)

Name: Lee Van Young sr.

Social Security No. _____

Address: P.O. Box 24257

Telephone No. 601-906-5780

Jackson, Ms. 39275

STATE OF MISSISSIPPI

COUNTY OF Hinds

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named Lee Van Young sr. who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service - Summons, Complaint, Plaintiff's First Set of Interrogatories Propounded to the Defendants and Plaintiff's First Set of Requests for Production of Documents Propounded to the Defendants" are true and correct as herein stated.

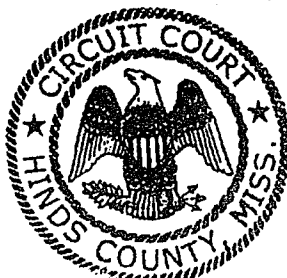
Lee Van Young sr.
PROCESS SERVER (Signature)

Sworn to and subscribed before me this the 21 day of April, 2015.

(Seal)

My Commission Expires:

4/16/16



NOTARY PUBLIC

